

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EDWARD F. GRODEN, as EXEC. DIRECTOR)
of the NEW ENGLAND TEAMSTERS AND)
TRUCKING INDUSTRY PENSION FUND)

Plaintiff,)

v.)

NORTH SHORE NEWS COMPANY, INC.,)

Defendant.)

Case No.: 21-10539 FDS

**PLAINTIFF'S MOTION FOR A DEFAULT JUDGMENT
AND MEMORANDUM IN SUPPORT THEREOF**

Plaintiff Edward F. Groden, as Executive Director of the New England Teamsters and Trucking Industry Pension Fund ("Pension Fund"), respectfully moves upon his attached Declaration and Affidavit pursuant to Federal Rule of Civil Procedure 55(b)(1) for entry of judgment by the Clerk in the amount of \$91,907.89.

In support of his motion, Plaintiff states as follows:

1. Defendants neither filed an answer nor served a responsive pleading in this action and, accordingly, was defaulted on July 9, 2021.

2. This is an action under the Employee Retirement Income Security Act, 29 U.S.C. § 1001 *et seq.* for unpaid pension contributions. Pursuant to ERISA § 515, 29 U.S.C. § 1145, and ERISA § 502, 29 U.S.C. § 1132(g), the following elements of relief are mandatory for failure to make pension contributions:

- (a) the unpaid contributions,
- (b) the interest on the unpaid contributions,
- (c) an amount equal to the greater of--
 - (i) interest on the unpaid contributions, or

- (ii) liquidated damages provided for under the plan in an amount not in excess of 20 percent (or such higher percentage as may be permitted under Federal or State law) of the amount determined by the court under subparagraph (a),
- (d) reasonable attorneys' fees and costs of the action, to be paid by the defendant, and
- (e) such other legal or equitable relief as the court deems appropriate.

3. Defendant in this action became liable for delinquent contributions in the amount of \$70,334.22 for the period of November 2020 through March 2021, interest in the amount of \$2,058.35, liquidated damages in the amount of \$14,066.84, plus costs and attorneys' fees in the amount of \$5,448.48 (Declaration of Damages, ¶ 5; Affidavit of Melissa A. Brennan, ¶ 2). The total amount due is \$91,907.89.

4. Defendant is neither an infant nor an incompetent person nor in the military service of the United States.

WHEREFORE, Plaintiff's Motion for Entry of a Default Judgment against Defendant North Shore News Company, Inc., Inc. should be granted. A proposed Judgment is attached hereto.

Dated: August 9, 2021

Respectfully Submitted,

/s/ Melissa A. Brennan
Melissa A. Brennan, Esq.
BBO # 669489
mab@fdb-law.com
Feinberg, Dumont & Brennan
177 Milk Street, Suite 300
Boston, MA 02109
(617) 338-1976

CERTIFICATE OF SERVICE

I, Melissa A. Brennan, hereby certify that this document filed through the Court's CM/ECF system will be sent electronically to the registered agents as identified on the Notice of Electronic Filing and copies will be sent electronically to:

Thomas A. Mulkern, Jr. North Shore News Company, Inc. 150 Blossom Street Lynn, MA 01901	John Hartley, Esq. johnmhartley@aol.com

Dated: August 9, 2021

/s/ Melissa A. Brennan
Melissa A. Brennan, Esq.